

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES A. STEPHENS, III,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:07cv473-ID
)	WO
CITY OF MONTGOMERY, <i>et al.</i> ,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

This pro se complaint was filed by the plaintiff, James A. Stephens, on May 29, 2007. On June 1, 2007, the court entered an order of procedure, in which the court instructed the plaintiff that he must immediately inform the court of any new address. (Doc. No. 13.) On October 24, 2007, the court ordered the plaintiff to file a response to the defendants' motion for summary judgment. (Doc. No. 35.) This pleading was "return[ed] to sender" because the plaintiff was no longer at the address he had provided to the court.

On November 7, 2007, the court entered an order requiring that, on or before November 21, 2007, the plaintiff inform the court of his present address. (Doc. No. 36.) The plaintiff was cautioned that the failure to comply with this order would result in a recommendation that this case be dismissed. (*Id.*) The plaintiff has filed nothing in response to this order. The court therefore concludes that this case is due to be dismissed for the plaintiff's failure to follow the orders of the court and to prosecute this action.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for the failure of the plaintiff to prosecute this action and his failure to comply with the orders of this court.

Additionally, it is ORDERED that:

The parties shall file any objections to this Recommendation **on or before December 10, 2007**. A party must specifically identify the findings in the Recommendation to which objection is made; frivolous, conclusive or general objections will not be considered. Failure to file written objections to the Magistrate Judge's proposed findings and recommendations shall bar a party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). See *Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). See also *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (*en banc*).

Done this 26th day of November, 2007.

/s/Charles S. Coody

CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE